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President: Mr. Udovenko ..... (Ukraine)

The meeting was called to order at 10.10 a.m.

Agenda item 50

Report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Note by the Secretary-General transmitting the second annual report of the International Criminal Tribunal (A/52/582)

The President: May I take it that the Assembly takes note of the second annual report of the International Criminal Tribunal for Rwanda?

It was so decided.

The President: I call on Mr. Laïty Kama, President of the International Criminal Tribunal for Rwanda.

Mr. Kama (President of the International Criminal Tribunal for Rwanda) (*interpretation from French*): I am very grateful to you, Sir, for the great honour that you have done me in allowing me to take the floor once again before the Assembly to introduce the second annual report of the International Criminal Tribunal for Rwanda. Allow me at the outset to thank you for this honour and to congratulate you on your election to the high post of President of the General Assembly.

When I came before this Assembly for the first time exactly a year ago to submit the first annual report of the Tribunal for Rwanda, our Court had been the subject of many serious criticisms following an investigation undertaken by the Secretary-General's Office of Internal Oversight Services. Although those criticisms proved to be mostly well-founded largely, nevertheless we found it regrettable that they cast a shadow on the very honourable work that the judges had already carried out in particularly difficult circumstances.

Today, the administrative circumstances of the Tribunal have improved somewhat. Thanks to the new administration established in February 1997, many things have been done to improve the conditions of service of judges. Much still remains to be done, and we will be addressing the issue.

Nonetheless, the past year has made possible the qualitative and quantitative development of the Tribunal's legal work. The first trial opened on 9 January 1997, quickly followed by two others, which also began in the first half of the year. Three trials are now under way, leading us to believe that the first verdicts could be handed down at the beginning of next year.

Thanks to the work of the Prosecutor, the Tribunal's Detention Facility in Arusha, Tanzania, now has 24

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detainees, all of whom have been indicted. These detainees include persons who held high posts in Rwanda during the Rwandan tragedy, both in the political and administrative area and in the military.

With your permission, Sir, and in order better to present a review of our activities, I will not sum up the written report before you covering the period from July 1996 to June 1997. Rather, I should like to draw the Assembly's attention to certain specific aspects of the Tribunal's activities: what we have accomplished to date; certain problems that need to be solved quickly; and the issue of whether the Tribunal has the means to enable to do its job effectively. I will then call on Member States to cooperate in supporting the Tribunal as it works to ensure that justice is done, as this is pivotal for national reconciliation in Rwanda and the stabilization of the Great Lakes region.

As I have often noted, the International Criminal Tribunal for Rwanda was admittedly officially created on 8 November 1994 by Security Council resolution 955 (1994). However, we able to begin to work effectively in Arusha only a year later, when premises were made available to us following the signing of a lease with the Arusha International Conference Centre.

As members know, our work was difficult at the beginning, with a temporary courtroom virtually without equipment. Happily, a more functional, if not ideal, courtroom was then built. Unfortunately, with the increased number of detainees in the Detention Unit, that courtroom quickly became inadequate for two full-time Trial Chambers, which had to alternate cases. That did nothing to accelerate our proceedings, and it can explain the delays in the progress and conclusion of the trials, for which we have often been criticized, as though the judges were responsible for the fact that the United Nations was able to provide only one courtroom for two Trial Chambers.

I am pleased to note that, after taking office, the new Registrar made the construction of a second courtroom a priority. Since September 1997 the two Trial Chambers have been able to meet simultaneously, even though the second courtroom is a temporary arrangement that is poorly equipped. Still, this has made it possible to accelerate the pace of the trials, which gives us hope that we will be able early next year to conclude the first three trials now before the Tribunal. I should add that both courtrooms are air conditioned, which is important given the weather in Arusha at certain times of year. All these achievements were possible only thanks to the constant support of the Secretary-General, His Excellency Mr. Kofi Annan, who has instructed the Secretariat to devote greater attention to the Tribunal.

As I said earlier, 24 persons are at present in the Detention Unit, which in itself poses fresh problems: by the terms of international human rights instruments, including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, they have the right to be tried without delay. There are only six judges, and some of us are disqualified from a given case because of having been involved in earlier stages of the case, such as the indictments or other proceedings. For certain cases, we are thus finding it increasingly difficult to form a complete Trial Chamber. That is why we wonder whether the time has come to implement paragraph 7 of Security Council resolution 955 (1994), which provides for the possibility of increasing the number of judges if necessary. In that connection, I have communicated with the Secretary-General, who has shown definite interest in such a plan. The Registrar of the Tribunal has studied the matter and has estimated its financial implications. The decision now lies with the Security Council.

The addition of judges would have the advantage of enabling us to form a third Trial Chamber, which could be housed in the second permanent courtroom, the construction of which should begin very soon. With three Trial Chambers we would certainly hope that detainees could be tried within a reasonable time. But failing the appointment of additional judges, it might be possible to appoint one or two ad hoc judges responsible solely for reviewing indictments.

In any event, we must remember that some of those detained at Arusha have been in custody for two years or more, hence the need to bring them to trial as soon as possible next year — certainly before the end of the first term of office of the judges, in May 1999. It would be unrealistic to think that all those currently detained at Arusha could be tried before May 1999. The Prosecutor, who is eager to see these persons brought quickly to trial, is developing a new prosecution strategy, that of joinder. But even in cases where joinder could be advantageous — for example, by making it possible to use a witness's testimony in more than one case at a time — nothing guarantees that it would significantly speed up the judicial process.

I have just set out frankly the difficulties the Tribunal faces, despite the progress it has made, as it

seeks diligently to render justice to the victims of the Rwanda tragedy. We know that we can and must do better still. We know we can rely on the General Assembly to support our request to increase the number of judges. That is the only possible solution; it is necessary if we are to complete the task of justice that the international community wished to institute as a reaction to the Rwanda tragedy.

More generally, we know we can count on the Assembly to increase the financial resources of the Tribunal, which is necessary, for example, if we are finally to have a computerized library worthy of the name and to have access to up-to-date communication and research tools such as the Internet. The technological backwardness of the Tribunal is so great that, compared with its counterpart for the former Yugoslavia, it is a cottage industry. Moreover, we need additional legal assistants for the Trial Chambers and for the judges, to carry out research to prepare high-quality decisions.

All the problems I have described require additional resources for the Tribunal. But we know that in the present circumstances the United Nations cannot do it all; States must become more involved.

This brings me to the cooperation of States with the Tribunal. As I have just said, the Tribunal needs material and financial support from States. Here I must acknowledge that many countries have assisted us either financially or by making available qualified personnel. A list of these countries is annexed to our report. I beg their pardon for not mentioning them all here, but they all have our warmest gratitude. Yet much remains for the Tribunal to do, and further contributions would not be unwelcome.

Another sphere of cooperation between the Tribunal and Member States is the police and judicial area. Since the introduction last year of the first report of the Tribunal for Rwanda and the appeal made on that occasion for cooperation from Member States, the Tribunal has indeed received more assistance from many States. Our relations have been particularly strengthened with Rwanda, which has a direct interest in our mission and its success. The best and most recent example of this was the acceptance by the Rwandan authorities of the transfer of Rwandan detainees to Arusha so that they could appear as witnesses before the Tribunal. Other countries too have supported the Tribunal's judicial mission. Let me make special mention of Cameroon, which has just agreed to permit the transfer to our Detention Unit of two persons it had been holding on behalf of the Tribunal. Belgium, Switzerland and Côte d'Ivoire have also arrested and transferred accused individuals. Special mention must be made of the Government of Kenya, which in July, along with the Office of the Prosecutor, organized Operation Naki — for Nairobi-Kigali — which led to the arrest of important individuals allegedly linked to the genocide, including the former Prime Minister of the interim Government.

Let me take this opportunity also to cite the remarkable spirit of cooperation displayed by the Government of the United Republic of Tanzania and to thank it for that cooperation. Tanzania is the present headquarters of the Tribunal and provides constant support for all our activities.

As I had hoped they would last year, many States that have not already done so are in the process of adapting their national legislation to the provisions of our statute, which is annexed to Security Council resolution 955 (1994), and which requires their cooperation. Among them are African States which have in this way responded to our various appeals. Those appeals have constantly enjoyed the support of the Organization of African Unity, and in particular that of its Secretary-General, His Excellency Mr. Salim Ahmed Salim.

I would like now to make special mention of another area in which States' cooperation is particularly needed: that of the place where convicted persons should serve their prison terms. Article 26 of the statute provides that prison sentences handed down by the Tribunal shall be served in Rwanda or any of the States designated on a list of those that have indicated to the Security Council their willingness to accept convicted persons. To date, if our information is correct, fewer than 10 States have communicated to the Security Council their intention to receive convicted persons in their national prisons; they have done so for both the Tribunal for the former Yugoslavia and the Tribunal for Rwanda. I have recently received correspondence informing me that Norway and Sweden are among those States. We would like to thank them, and we hope that their attitude will serve as an example for other countries. The Secretary-General, assisted by his Legal Counsel, has made many attempts to impress upon Member States the urgency of this request. The problem could be quite acute in the very near future, because, as I have said, the first sentences should be passed very soon.

It is no exaggeration to say that the first assessment one can make of the Tribunal's activities is in general positive. After the administrative difficulties that had

significantly slowed down its activities had been resolved, the Tribunal was finally able to start its work properly and obtain the results, which we reported at the appropriate time. Three trials are under way and are near conclusion. A large number of accused persons, many of whom held important, high-level posts during the Rwandan tragedy, are being detained in the district prison of Arusha.

We have often spoken of certain difficulties that we face — in particular, the lack of sufficient judges and the need for increased and more sophisticated logistical support. We are certain that the Assembly will help us to overcome these difficulties and to deal with a problem which I have not emphasized in my statement, but which is nonetheless very real: the security conditions in which we operate. A United States State Department mission, which recently visited the Tribunal's Headquarters considered that minimum security conditions did not exist. It should be noted in this respect that the premises where our court meets are situated in the midst of a big complex to which everyone has access. For example, we share certain entrance doors and elevators with the public, which makes it almost impossible to have genuine security of witnesses, judges or even detainees at the time of access to courtrooms.

In conclusion, allow me to stress once again the importance of the Tribunal's work in the process of national reconciliation in Rwanda and in the political stabilization of the whole of the Great Lakes region. The judicial exercise under way in the international criminal courts is one of the greatest advances by humanity in recent years and deserves to be supported, because it contributes to meeting the legitimate aspirations of peoples to justice, of which the Assembly should be the reflection and guarantor.

The judges, aware of the importance of the mission entrusted to them by the United Nations, are striving to create an international criminal justice system worthy of the expectations of the victims of the gravest crimes — genocide and crimes against humanity — while meeting the requirement of scrupulous respect for impartial justice.

We know that our work is far from being perfect, but, aware of its importance and the difficulties involved in the early stages of this international justice system, which is getting under way simultaneously in Arusha and the Hague, we hope that the Assembly will continue to honour us with its confidence and support. This is a question of the interest of justice and ultimately our duty with regard to the expectations of the Rwandan people and the international community.

Mr. Wolzfeld (Luxembourg) (*interpretation from French*): I have the honour to speak on behalf of the European Union. The Central and Eastern European countries associated with the European Union — Bulgaria, Estonia, the Czech Republic, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, and Slovenia — and the associated country, Cyprus, align themselves with this statement.

The European Union would like first to thank the President of the International Criminal Tribunal for Rwanda, Mr. Laïty Kama, for the presentation of his second annual report, covering the period from 1 July 1996 to 30 June 1997. We would also like to congratulate him and the Prosecutor, as well as the new Deputy Prosecutor and the Registrar, who have recently been nominated to their respective functions, on the efforts they made during the period in question. The European Union would also like to express its appreciation to the host countries — the United Republic of Tanzania, Rwanda and the Netherlands — for their ongoing support for the organs of the Tribunal.

By its resolution 955 (1994) the Security Council created the Tribunal to try those persons alleged to be responsible for acts of genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and Rwandan citizens alleged to be responsible for such acts or violations committed in the territory of neighbouring States, between 1 January and 31 December 1994. In its resolution 978 (1995) the Security Council urged States to arrest and detain persons found within their territory against whom there was sufficient evidence that they were responsible for acts of violence within the jurisdiction of the Tribunal.

These two resolutions, adopted under Chapter VII of the Charter, in themselves remind us of the importance of the Tribunal's responsibility under the mandate given it by the international community. It is a matter not only of putting an end to impunity and making justice prevail with regard to these events of extreme magnitude and gravity, but also of preventing their repetition by administering justice in a way that all can see, justice which must be both firm and strictly respectful of internationally recognized principles of criminal law. In order to administer such justice, the Tribunal must be able to function efficiently.

Since its inception the Tribunal has been confronted with numerous difficulties, which it is presently trying to overcome. The report [A/51/789] of the auditors of the United Nations Office of Internal Oversight Services uncovered serious operational shortcomings and mismanagement in the Tribunal's administration, as well as frequent violations of United Nations rules. it contained a number of recommendations for remedying the situation.

The European Union welcomes the fact that strong measures, in line with the recommendations of the auditors, have since been adopted. We note the strengthening of communication between the organs of the Tribunal, together with an improvement in communication with the Tribunal for the former Yugoslavia. We also note that the implementation of adequate internal control measures is under way in order to oversee the application of United Nations rules applicable to personnel, financial and procurement issues. Finally, we note the reorganization of the Registrar's Office.

These measures leave room for hope for a more efficient functioning of the Tribunal. We also welcome the progress made in the judicial activity of the Tribunal.

However, the goal of improving the functioning of the Tribunal has not yet been fully achieved. We must acknowledge that serious staffing problems remain: more than 20 per cent of posts remain vacant in key sectors. The European Union believes that the implementation of a dynamic recruitment policy is of crucial importance for the future of the Tribunal.

We are also concerned that, according to the report of President Kama, 10 accused people have been detained without trial for more than one year, and in certain cases for more than two years. Such slowness is hardly compatible with justice that seeks to be exemplary, and we call for this situation to be remedied quickly. In this framework, we welcome the fact that since the report was issued, a second courtroom was opened in Arusha in September 1997. The European Union reaffirms that, in order to carry out its task with impartiality, the Tribunal must conduct its activities in a way that is totally independent of political powers of any kind. The European Union, which has been providing substantial legal and logistical cooperation to the Tribunal, will therefore refrain from commenting on the cases before the Tribunal.

Conversely, we wish to underline the need for wholehearted cooperation with the Tribunal by all parties and all States so that it can effectively fulfil its mandate. In this respect, and without prejudging the substance of these cases, the Union notes that certain people, including individuals who were in a position of authority during the period under consideration, have been arrested in third countries following the issuance of arrest warrants by the Tribunal. We fervently hope that this development will continue and intensify. We welcome the improvement of cooperation with the Rwandan authorities.

Substantial progress has been made, but much remains to be done. Individuals against whom arrest warrants have been issued remain free; they will have to be apprehended. The Tribunal must also continue its efforts to provide information about its work. Public opinion, first and foremost in Rwanda, but also among the donor community, should be made aware of the importance of the mandate entrusted to the Tribunal, which represents the expression of international condemnation of genocide and of other serious violations of international humanitarian law.

The European Union reaffirms that, if the Tribunal is to discharge its mandate effectively, it is imperative to provide it with adequate financial backing. The European Union subscribes fully to the amendments to the Secretary-General's proposed budget for 1998 made by the Advisory Committee on Administrative and Budgetary Questions (ACABQ). We believe that the proposed increase in the net appropriation and approved staff posts is reasonable in view of the needs.

States members of the European Union will continue to make voluntary contributions to the Trust Fund. The European Union invites the Tribunal to formulate and develop precise programmes in the framework of this Fund, in particular programmes aimed at improving witness protection.

The International Criminal Tribunal for Rwanda, like the International Tribunal for the Former Yugoslavia, constitutes an important precedent for setting up an international criminal court. The practice and experience of the International Criminal Tribunal for Rwanda will constitute a valuable source for finalizing rules making it possible to prosecute and punish, at international level, serious violations of international humanitarian law, irrespective of where they have been committed or the identity of those responsible for such acts.

The European Union recalls that the international community is duty bound to continue to cooperate fully with the Tribunal and provide it with the appropriate

means to fulfil its mandate in its entirety. We urge the Tribunal tirelessly to continue its efforts aimed at bringing to trial those who participated in atrocious crimes, so that justice will not be denied to the victims and a process of true national reconciliation can start in Rwanda.

Mr. Ramaker (Netherlands): I wish to thank the President of the Rwanda Tribunal for his important statement this morning and for introducing the report of the Tribunal, as contained in General Assembly document A/52/582 and Security Council document S/1997/868.

Let me also state that my delegation fully subscribes to the statement by Luxembourg on behalf of the States members of the European Union and associated countries. My intervention will focus on the special concerns of the Netherlands as a partial host country to the Rwanda Tribunal.

A few weeks ago, we discussed in plenary meeting the report presented by the President of the International Tribunal for the Former Yugoslavia. Much that was said then applies equally to the Rwanda Tribunal, notably regarding the application of the provisions of the statute and the duty of cooperation by States. In addition, the Rwanda Tribunal is faced with its reorganization as a result of the follow-up on the recommendations of the Office of Internal Oversight Services. As indicated with respect to recent developments in appendix V to the report of the Tribunal, a number of important events and decisions have occurred and, indeed, are occurring in relation to its work. We sincerely hope that the efforts to reinforce the Tribunal's credibility will be crowned with success. We pledge the full support of the Netherlands Government.

The Rwanda Tribunal is faced with the very difficult task of adjudicating persons responsible for the most egregious crimes imaginable by the human mind: the crime of genocide, crimes against humanity and serious violations of international humanitarian law applicable in non-international armed conflicts. The task, difficult as it is in itself, is aggravated by the sheer number of suspects, the limited resources, the high expectations among the survivors of these crimes and, I regret to say, the sometimes low priority given by States to the need to cooperate with the Tribunal. Nevertheless, my country has had high expectations of the Tribunal ever since its creation, and it continues to have them. I am happy to note that the recent developments, as indicated in appendix V of the Tribunal's report, still justify such optimism.

With this in mind, in a statement before the General Assembly at its fifty-first session, my delegation drew attention to the problems the Tribunal was confronted with at that time and which impeded the effective functioning of the Tribunal. Serious financial and managerial problems threatened to jeopardize the implementation of the mandate of the Tribunal.

The seriousness of this situation became all the more clear when, in February of this year, the Office of Internal Oversight Services reported serious operational deficiencies in the management of the Rwanda Tribunal, as well as the negative impact of short-term funding arrangements, the geographical separation between the various offices of the Tribunal and the lack of adequate infrastructure, contributing to a large extent to demotivation of staff.

I have to admit that the Netherlands Government at the time held its breath when it thought of the future of the Tribunal and, as a consequence, of the future of international criminal justice in Africa: so many problems to be solved, and so much at stake. In fact, the future of the concept of the universality of international criminal jurisdiction might be called into question at a time now when this concept, after 50 years, is finally taking shape in the form of the international criminal court. As delegations will be aware, the statute of the international criminal court is at present being negotiated in the Preparatory Committee, now in session in Conference Room 1, and is due to be finalized at a diplomatic conference in Rome next summer. Universal crimes, such as genocide, crimes against humanity and war crimes, must be met with universal adjudication, in Africa as well as in Europe or anywhere else on earth.

The Netherlands is the host country of the Tribunal for the former Yugoslavia and of the joint Appeals Chamber and Office of the Prosecutor of that Tribunal and of the Rwanda Tribunal. Because of that responsibility we have actively monitored developments with regard to efforts to improve the functioning of the Rwanda Tribunal and its offices in Kigali and in Arusha. What we have observed so far is encouraging.

Serious efforts have indeed been made by all parties involved to redress the deficiencies hindering the full and effective fulfilment of the mandate of the Tribunal.

Closer coordination has been established amongst substantive departments at United Nations Headquarters and between these departments in New York and the

Tribunal. A more consistent pattern of support from New York to the Tribunal has been developed.

Management has succeeded not only in streamlining the functioning of the Office of the Prosecutor, but also in improving the relations between the Tribunal and the Rwandan Government. This seems to have led to a considerable improvement of the Tribunal's image in Rwanda.

The process of reshaping the Registry has started, thus putting the Tribunal back on track. However, and not surprisingly in view of the magnitude of the problems in Kigali, not all problems have been solved yet. My Government expresses the hope that the Kigali Office will run smoothly as a professional unit in the foreseeable future. We cannot allow the Tribunal not to operate in the best possible way. Otherwise it runs the risk of losing its credibility. This, in turn, could have a detrimental effect on the peace and reconstruction efforts in the Great Lakes region as a whole. In this respect we are glad to note that the Tribunal will continue to receive the close attention of the Secretary-General. We are also pleased with the fact that the Office of Internal Oversight Services will remain actively involved in the functioning of the Tribunal.

Such an "all out" approach would seem to hold the best promise for bringing the Tribunal's infrastructure up to standard, thus ensuring an effective discharge of its main function — the rendering of justice. As expressed earlier in the debate on the Tribunal for the former Yugoslavia, the ultimate success of the Rwanda Tribunal will also be measured by its ability to show that justice prevails, that inhumanity does not pass with impunity, that civilization will be preserved and that the international community does care.

We further took note of the fact that the Tribunal in its report does not set itself clear and well defined targets for finalizing its reorganization, although the report does state the actions envisaged in that reorganization. The Tribunal's draft 1998 budget, however, does contain so-called performance indicators. This was applauded by the Advisory Committee on Administrative and Budgetary Questions as well as by the Member States of the European Union, associated States and other Member States in the Fifth Committee. In view of the crucial tasks entrusted to the Tribunal, the severity of the findings of the Office of Internal Oversight Services and the important actions undertaken by all those involved to restore the Tribunal's credibility, it is my delegation's view that such indicators should have been included in the report itself as well, in order to allow for an assessment of the progress made in this respect.

As may be imagined from comparing the July dates mentioned in Appendix V and the date of the report itself, which came out in November, my delegation cannot help but wonder why the main body of the report was issued at such a late date. It was clearly written much earlier. As I said before, during the reported period the very credibility of the Rwanda Tribunal itself was called into question, which would have warranted the release of the report at an earlier date. Although measures to remedy this situation have been instituted, as reported, an in- depth and comprehensive consideration of those measures would seem to be appropriate. Actually, my delegation would have preferred to have been able to consider the reports of both Tribunals — for Rwanda and the former Yugoslavia — jointly and comprehensively, since these reports do and, in the view of my delegation, should have considerable areas of common interest, allowing for mutually applicable conclusions.

As last year in our statement at the fifty-first session of the General Assembly, the Netherlands would like to draw attention to the question of the need for full cooperation of States with the Tribunal. Since the Tribunal does not possess enforcement powers of its own, it is fully dependent on the cooperation of States for its very functioning. Only a limited number of States have passed legislation enabling such cooperation. Furthermore, the whereabouts of many of the leaders responsible for the horrible crimes committed are well known. Nevertheless, only a limited number of them have been imprisoned and only a few of them are in the hands of the Tribunal. The Netherlands attaches great importance to breaking the circle of crime and impunity which has reigned in Rwanda and we recognize the importance of the arrests indicated in the report and its appendix V. Every effort should be made by all States in a position to do so, to arrest suspects in these crimes and to enable the Tribunal to act in accordance with its mandate, given to it by the Security Council.

In this respect I wish to recall the Netherlands position as expressed during the debate on the Tribunal for the former Yugoslavia. As we stated then, Member States should actively trace and hand over indicted persons to the Tribunal, institute proceedings against alleged offenders themselves and allow criminals convicted by the Tribunal to be imprisoned within their borders. Furthermore, financial support is called for,

both by allotting sufficient funds under the Tribunal's regular budget and, if need arises, by way of voluntary contributions to the Tribunal's Trust Fund over and above the budgeted funds. Member States must be prepared to bear and share this responsibility politically and financially, both on the international level and domestically. We cannot simply establish international tribunals and then walk away from them. International criminal adjudication entails responsibilities for all members of the international community.

In conclusion, let us not forget that peace and justice are inseparable, in Rwanda too.

Mr. Biørn Lian (Norway) (*interpretation from French*): Three years ago, we all witnessed the unprecedented cycle of violence that ravaged Rwanda and shocked international public opinion. It was very quickly clear that there was overwhelming evidence to suspect that acts of genocide and other serious violations of humanitarian law had been committed. The international community could not remain impassive in the face of acts that seemed to have been committed with the intention of destroying an ethnic group. The Security Council's response was unequivocal: the gravest crimes of concern to the international community had to be stopped, in accordance with the principles of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide and other sources of international law. This explains the context in which the Security Council acted to create the International Criminal Tribunal for Rwanda, the second ad hoc criminal Tribunal established by the United Nations.

The Government of Norway has emphasized its commitment to encouraging international cooperation to enhance the effectiveness of the prosecution of crimes of international significance. To this end, it lends its full support to the establishment of a permanent international criminal court which, at this very moment, is being debated in the Preparatory Committee. The Government of Norway welcomes, *inter alia*, the very large number of delegations that are actively participating in the negotiations to prepare for the diplomatic conference to be held in Rome next summer. These contributions, from a constantly growing number of African countries, among others, strengthen the foundations of and ensure a universal basis for the future court. In this context too, it is vital to ensure the success of the ad hoc Tribunals for Rwanda and the former Yugoslavia, which are significant precedents. In line with this approach, Norway was quick to adopt the legislation required to provide for cooperation with and effective judicial assistance to the two Tribunals. It also provided voluntary contributions in terms of financing and making specialized personnel available and has committed itself to cooperating with the Tribunals, *inter alia*, to ensure that sentences are served.

Three years after Security Council resolution 955 (1994), which set up the International Tribunal for Rwanda, it is worthwhile scrutinizing the functioning of the Tribunal meticulously and dispassionately, but also critically where necessary. The international community must apply the most rigorous criteria in evaluating the judicial activity of this pioneering institution.

What comments can we make at this stage? We should like to thank the President of the Tribunal, Mr. Laïty Kama, for his eloquent introduction of the second annual report of the Tribunal [A/52/582]. The report, as we have just heard, is extremely lucid in that it does not conceal the difficulties, and especially the administrative problems, that the Tribunal has encountered. They have been documented in the report of the United Nations Office of Internal Oversight Services [A/51/789, annex], which proposed a package of 26 measures to rectify the situation. We are pleased to note that several measures have been adopted and that they have already contributed to marked progress in the functioning of the Tribunal. However, we must note that this task is not completed and it is essential, among other things, that we introduce the necessary remedial measures to avoid unacceptable prolongations of the time people spend in detention pending trial.

In this debate, we should ask ourselves the following question: What contributions can the Member States of the United Nations make to overcoming the difficulties I have just described?

Norway is, first and foremost, convinced of the need to provide the Tribunal with an adequate financial basis. The General Assembly must take unavoidable decisions in this respect. We have confidence in the ability of the Tribunal to continue its efforts towards establishing sound management which will ensure optimal use of all its resources and synergy between all its organs in Arusha, Kigali and The Hague.

Another kind of contribution that Member States can make, which is just as important, and upon which the sound functioning of the Tribunal depends, is active cooperation between States and the Tribunal. Without cooperation and judicial assistance in all investigations and procedures conducted pursuant to article 28 of the

statute of the Tribunal, the Tribunal will not be able to do its job. Such assistance may relate to the identification or pursuit of individuals, the arrest or detention of individuals, the handing over of an accused person to the Tribunal, or many other tasks. Norway would like to stress that it attaches particular importance to the part of the report that addresses these aspects and, in particular, paragraph 62 on page 16 of the report. In this context, there is no doubt that the sound functioning of the Tribunal also depends largely on fruitful cooperation with the Rwandan authorities. Norway notes in this respect that such cooperation has improved. We appeal to the Rwandan authorities to continue on this track.

In this vein, Norway would also like to join its voice to those who have underscored the need to step up the Tribunal's efforts to develop an information network to provide objective information to public opinion in Rwanda and in neighbouring States about the Tribunal's work. In order to realize the full potential of cooperation at all administrative levels with the States concerned, it is essential to ensure that the populations involved understand the primordial role and the high quality of the activities of this pioneering institution.

Similarly, the same kind of understanding is essential in order to help the Tribunal realize its full potential as a key factor in the quest for the truth and the elucidation of historical events and possible chains of responsibility. This is also one of the prerequisites for reconciliation and the reconstruction of a lasting peace and a deterrent to any further such international crimes.

Mr. Fulci (Italy): First of all, I would like to thank Chief Justice Laïty Kama, President of the International Criminal Tribunal for Rwanda, for his clear, comprehensive and insightful introduction to this year's report of the Tribunal [A/52/582]. The report covers the period from 1 July 1996 to 30 June 1997 — a period in which the judicial activities of the Tribunal have increased substantially and a number of significant developments have occurred. However, before commenting briefly on some of the main aspects of the report, I would like to stress once again the special importance that my country, Italy, attaches to the work of both the Rwanda Tribunal and the Yugoslav Tribunal, on the eve of the diplomatic conference on the establishment of an international criminal court, which will take place in Rome next year.

Both ad hoc Tribunals are to be considered fundamental laboratories, and their experience and achievements remain essential for the establishment of the permanent international criminal court. In our view, once the institutional framework to dispense international criminal justice is complete, the permanent court should replace the ad hoc Tribunals, in order to prevent and punish atrocities that should have no place in the centuries to come, wherever and by whomever they are committed.

The representative of Luxembourg, Ambassador Jean-Louis Wolzfeld, has expressed the views of the European Union on the report of the International Criminal Tribunal for Rwanda [A/52/582]. We fully share these views, and would simply like to add some complementary remarks.

We note with satisfaction the progress achieved by the Tribunal in carrying out its judicial activities. The report indicates that 14 indictments against a total of 21 individuals have been confirmed, and warrants of arrest have been issued against the accused. More than 20 individuals, some of them key Rwandan figures, are in custody in the Tribunal's Detention Facility in Arusha. Others are held in custody in various other countries. Moreover, since January 1997, three trials have commenced and a number of motions have been adjudicated by the Trial Chambers and the Appeals Chamber. These are positive developments, which demonstrate the hard work and dedication of the members of the Tribunal and of the Office of the Prosecutor. We also praise the fact that the Tribunal's Victims and Witnesses Protection Unit has become fully operational. The adequate protection of witnesses during their testimony at the trials, and upon their return to Rwanda, remains essential for the functioning of the Tribunal.

The report also gives an account of the measures adopted to improve the administrative management of the Tribunal, and to ensure that relevant United Nations rules and regulations are fully respected. We welcome these measures, which followed an investigation conducted by the Office of Internal Oversight Services. We believe it to be imperative that the credibility of the Tribunal not be put at risk by a failure to operate in accordance with the most rigorous standards of good administration. We would like to commend the Secretary-General for his prompt decisions in this area, aimed at reinforcing that credibility.

Notwithstanding the progress made, the activity of the Tribunal continues to face various difficulties, arising especially from insufficient resources, equipment and

staff. In particular, we share the concerns raised in the report with respect to the need for additional investigators in the Office of the Prosecutor. Also crucial is the cooperation of States, both by enacting legislation to implement the statute, and by complying with the Tribunal's requests. We hope that further improvements in these areas will be achieved in the shortest possible time.

In conclusion, I wish to express Italy's confidence that the International Criminal Tribunal for Rwanda will continue to operate in an effective manner, in order to meet the expectation that persons responsible for genocide and other serious violations of international humanitarian law will be brought to justice. In this respect, I would like to reiterate Italy's full and unreserved support for the Tribunal, an institution called by the international community to accomplish the fundamental task of ending impunity for egregious crimes that offend the very conscience of mankind.

Mr. Marzuki (Malaysia): My delegation wishes to join the preceding speakers in expressing our appreciation to the President of the International Criminal Tribunal for Rwanda for presenting the second annual report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 [A/52/582].

The Tribunal has been confronted by a range of problems, but we welcome the positive developments in our collective efforts to bring to book the perpetrators of genocide. Genocide is a heinous crime against humanity, and the perpetrators, irrespective of their origin or standing in society, must face the law sooner or later. As the adage goes, "Justice delayed is justice denied".

We wish to commend those countries that have rendered their fullest cooperation and assistance to the Tribunal, which has brought about the arrest and transfer of key figures suspected of having participated in the genocide in Rwanda. These developments demonstrate that the International Criminal Tribunal for Rwanda is determined to reinforce its credibility and achieve its goal of bringing justice to those involved in the genocide.

We note that so far, 14 indictments against a total of 21 individuals have been confirmed and warrants of arrest have been issued against the accused. Twelve detainees are currently being held at the Tribunal's Detention Facility in Arusha. My delegation believes that the Tribunal must mete out justice rapidly in order to facilitate national reconciliation between the Hutu and Tutsi in Rwanda.

In Rwanda, as in most countries emerging from conflict and oppression, reconciliation is impossible without justice. While the International Criminal Tribunal for Rwanda cannot fully repair the damage, it can help prevent another genocide by ensuring that there is an end to wanton blood-letting with impunity. Fair trials, meeting international standards of due process, of those deemed to have been the intellectual authors of the genocide would have a liberating effect inside Rwanda and would break important new ground internationally. The International Criminal Tribunal for Rwanda and the Rwandan criminal justice system cannot afford to fail in their mission. Otherwise, a parody of a trial and the absence of any due process will only revive hatred and fear in a country where every family includes a militia member, a soldier or a victim.

It is our hope that the problems pertaining to the lack of cooperation between the Registry and the Office of the Prosecutor, as well as the lack of a proper infrastructure for the offices in Arusha and Kigali, will be effectively addressed. We hope that the response to the exposure of inefficiencies or operational deficiencies will deal with the field level as well as the headquarters level.

The Tribunal has struggled to overcome problems, including lack of attention from the international community. Administrative impediments should not be allowed to deter its important work.

Today, the International Criminal Tribunal for Rwanda and the reconstituted criminal justice system of Rwanda are at a critical point and must receive the full support — financial, political and moral — of the international community. In this regard, my delegation wishes to reiterate its strong and unequivocal support for the work of the Tribunal. My delegation would also like to stress the need for the Tribunal to be given the necessary support to carry out its task.

Finally, we wish to extend our appreciation to President Laïty Kama for his leadership of the Tribunal since 1994. His pioneering role, as well as the unstinting service of the former and current Registrar and staff under difficult circumstances, deserve our admiration and congratulations.

The President: We have heard the last speaker in the debate on this item.

May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 50?

It was so decided.

Agenda item 35

Elimination of coercive economic measures as a means of political and economic compulsion

Report of the Secretary-General (A/52/343 and Add.1)

The President: In connection with agenda item 35, it is my understanding that, after the necessary consultations, consideration of this item may be deferred to the fifty-third session of the General Assembly.

May I take it that it is the wish of the Assembly to defer consideration of the item and to include it in the provisional agenda of the fifty-third session?

It was so decided.

The President: May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 35?

It was so decided.

Agenda item 45

The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development

Reports of the Secretary-General (A/52/344, A/52/554)

Note by the Secretary-General (A/52/330)

Draft resolutions (A/52/L.19/Rev.1, A/52/L.31)

The President: I call upon the representative of El Salvador to introduce draft resolution A/52/L.31.

Mr. Castaneda-Cornejo (El Salvador) (*interpretation from Spanish*): I have the honour, on behalf of the sponsors whose names appear on document A/52/L.31 and of Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Jamaica, Japan, Luxembourg, Peru, Portugal, the Russian Federation and the United Kingdom, to introduce a draft resolution under agenda item 45, entitled "The situation in Central America: procedures for the establishment of a firm and lasting peace and progress in fashioning a region of peace, freedom, democracy and development".

Mr. Young (Saint Vincent and the Grenadines), Vice-President, took the Chair.

The agenda item now before us was incorporated in the General Assembly's agenda in 1983 under the title "The situation in Central America: threats to international peace and security and peace initiatives". This was done almost immediately after the Security Council had considered the crisis in the Central American region, which was then marked by internal and internationalized armed conflicts in certain countries, generating intraregional tensions that could have spread throughout the region. That outcome was averted thanks to initiatives taken and to the resolve of the Governments of Central America and friendly countries, which took the proper steps to find a negotiated political solution that responded to the aspirations of the Central American peoples, and in particular to the sovereign right of States to live in peace and freely to determine their own future free from any foreign interference in matters that are essentially within their internal jurisdiction.

In the 14 years since we began consideration of this subject, profound changes have occurred in the region, particularly since the signing on 7 August 1987 of the Esquipulas II Agreements, which established the frame of reference for the processes of national dialogue and negotiation that were required to end the armed conflicts and regional tensions by peaceful means.

The social, political and economic developments in Central America during this period have been dynamic and brought changes, creating conditions and expectations that are very favourable to the identification and concerted clarification of measures and mechanisms to resolve the serious problems that underlay the tensions and internal conflicts that had hampered Central America's overall development.

One indubitable sign of this positive development was seen in 1991, with the change of the title of the Assembly's agenda item, when the phrase "threats to

international peace and security and peace initiatives" was replaced with the words "region of peace, freedom, democracy and development," which attested to the progress achieved in peacemaking and the establishment of democracy and responded to the demonstrations of political resolve and commitment by the Central American Governments to move forward and consolidate peace, democracy, development, the protection of human rights and regional cooperation and integration.

Subsequent developments have continued to be positive, and in 1997 we are witnessing for the first time in many years a Central America free of armed conflict, with legitimate Governments chosen through the free expression of popular will in transparent and pluralistic elections, thus strengthening democratic institutions and, as result, the rule of law.

The key and fundamental objective of the Esquipulas II Agreements has been fully achieved with the end of the armed conflict in Guatemala, which was marked by the signing of the Agreement on a Firm and Lasting Peace on 29 December 1996.

There can be no doubt that the end of armed conflicts was a decisive factor in the consolidation of regional stability and led to a more favourable environment for the establishment and strengthening of a region of peace, freedom, democracy and development.

Bearing in mind those facts and the requirements of our national societies in an international context that is marked by globalization and the interdependence of the phenomena affecting it, and recognizing that it is difficult for the Central American countries to deal with them individually, we must be more creative in order to ensure that our political and economic integration at the international level will be positive in terms of our goals of democratization and sustainable development.

With those goals in mind, we now find ourselves in a period of reformulating and adapting the institutional machinery for coherence, coordination and, if possible, unity in executing the sustainable-development programme of the region.

We take this opportunity to reaffirm the commitment that our Presidents made at this current session, with reference to the Nicaragua declaration, signed on 2 September 1997, to launch the Central American political union, which we consider vital to improving our capacity and expanding our opportunities for sustainable development.

The transformation of Central America has been possible chiefly as a result of the efforts of the Central American peoples and Governments. However, we believe it is fitting to express our thanks for the support and cooperation of the United Nations, the friendly countries that directly supported the peace processes in Guatemala, Nicaragua and El Salvador, and the cooperating community, whose technical and financial assistance complemented the political and diplomatic efforts to achieve peace in the region.

This draft resolution should be viewed as a continuation of the peace process in Central America. While it makes reference to the historical development of this process, it focuses in particular on the current situation.

The preambular part refers to the responsibility of the United Nations to contribute in a significant and complementary way to the peace efforts. It reaffirms the resolutions that recognize and stress the importance of international support and cooperation aimed at promoting peace and democratization in the region. This includes the resolution concerning international assistance to and cooperation with the Alliance for the Sustainable Development of Central America.

The preambular part also highlights the set of agreements signed by the Presidents in the political, economic, social, security and integration fields. These constitute a global frame of reference for democratically maintaining and consolidating the peace process and the basis for a mutually advantageous redefinition of relations between Central America and the international community.

The preambular part welcomes with satisfaction the Guatemalan Peace Agreements and recognizes the progress made in implementing them. Similarly, it recognizes the role played by peacekeeping operations and observer and monitoring missions.

It welcomes the changes and progress achieved in Central America and acknowledges that there are still serious structural challenges. The process of meeting these challenges is closely related to progress in human development, particularly in the alleviation and ultimate eradication of extreme poverty, the promotion of economic and social justice, progress in judicial reform

and the safeguarding of human rights, among other things. The preambular part also emphasizes the Central America Presidents' participation in the General Assembly and the statements they have made to the Assembly reaffirming their decision and political will to continue to do their utmost to expedite gradually and progressively the Central American Union.

The operative part takes note with appreciation of the report of the Secretary-General, underscoring the importance of the new development programme and recognizing the need to continue to follow closely the situation in Central America in order to support national and regional efforts to overcome the underlying causes that led to conflicts and to promote the objectives of the Alliance for the Sustainable Development of Central America.

The operative part welcomes the signing of the Guatemalan Peace Agreements and urges all sectors to continue to join efforts to consolidate peace, in keeping with the spirit and letter of the Peace Agreements. It requests the Secretary-General, the bodies and programmes of the United Nations and the international community to continue to support and verify these Agreements.

The operative part recognizes the importance of the Central American Integration System as a mechanism for coordinating and harmonizing regional efforts to achieve economic, social, cultural, environmental and political integration. It encourages the Central American Governments to continue to carry out their historical responsibilities to consolidate a firm and lasting peace in the region.

The operative part reaffirms the importance of international cooperation, in particular cooperation with the bodies, funds and programmes of the United Nations system and the donor community, and it urges them to continue to support Central American efforts to achieve those goals.

It requests the Secretary-General to continue to lend his full support to the initiatives and activities of the Central American Governments to promote peace and democracy through the implementation of the new, comprehensive sustainable-development programme and the initiative to establish the Central American Union.

It also reaffirms the Assembly's deep appreciation to the Secretary-General, to his special representatives, to the groups of friends for the peace processes in El Salvador and Guatemala, to the support group for Nicaragua, for the political dialogue and cooperation with the European Union and to other cooperating countries for their support and solidarity in the building of peace, democracy and sustainable development in Central America.

Finally, it requests the Secretary-General to report to the General Assembly at its fifty-third session on the implementation of the present draft resolution and decides to include the item on the provisional agenda of that session.

The draft resolution that we are introducing essentially reflects the current historic phase in Central American history, the region's needs and aspirations, its strengths and weaknesses. It stresses the importance of international cooperation playing a necessary and complementary role in the efforts to achieve the objectives of the regional programme. For this reason we have no doubt that the draft resolution will be adopted without a vote, thereby reconfirming yet again the support and solidarity of the international community, as represented in the General Assembly.

The Acting President: I now call on the representative of Mexico to introduce draft resolution A/52/L.19/Rev.1.

Mr. Albín (Mexico) (*interpretation from Spanish*): The debate on agenda item 45 involves two draft resolutions. My statement will therefore be in two parts. The first, made on behalf of my own delegation, will be in reference to draft resolution A/52/L.31, which has just been introduced by the Permanent Representative of El Salvador, Ambassador Ricardo Castaneda-Cornejo.

Since the signing of the Esquipulas Agreements 10 years ago, we have witnessed the commitment and the political resolve of the Central American countries to move forward towards peace, democracy and development. These countries have received and will continue to receive Mexico's resolute support for their efforts in various fields to eliminate conflicts, to demilitarize, to promote a new political and social openness, to strengthen the rule of law and to implement economic reforms aimed at furthering the process of integration and opening up.

The responsibility and the credit for the opportunities that are now available to the Central America countries pertain primarily to their peoples and Governments. At the same time, the Government of

Mexico wishes to acknowledge the invaluable work of the Secretary-General, his special representatives and all those who have taken an active part in this process.

We note with satisfaction the positive results of the various missions sent by the United Nations to the region since 1989. Each of these missions was established to address specific situations and carry out specific mandates in line with the distinct phases that the great efforts for peacemaking and reform in the subregion have gone through. The political support of the United Nations and the generous contributions of the international community have also been a key component in this uplifting transformation in Central America.

We are gratified to note that, thanks to the decisive efforts of all Salvadorans, full implementation of the political, legal and social measures contained in the Chapultepec accords has practically been achieved. We would like to issue a brotherly appeal to all Salvadoran society to close ranks so as to finalize this stage of this historic and, in many ways, exemplary peace process.

Early this year, we were particularly glad to welcome the signing in December 1996 of the Agreement on a Firm and Lasting Peace between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca, which put an end to a conflict that had lasted more than three decades. We wish to pay tribute to the activities of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) as yet another successful operation carried out by our Organization. The functioning of MINUGUA and the commitment of the parties demonstrate once again that, when the parties have the political will, the United Nations can play a decisive supporting role in ensuring that the efforts of the parties concerned are translated into tangible results. We trust that the parties, and the people in general, will do their utmost to ensure the full and timely implementation of the commitments undertaken in the peace agreements.

The peaceful and democratic transfer of power in Nicaragua on 11 January 1997 is another demonstration of the determination of that country's people to consolidate stability and political and social institutions. We invite all sectors of that sister nation to work tirelessly to build a society that gives pride of place to dialogue and promotes convergence as the basis of a future of certainty, concord and development.

We are pleased to note the high level of commitment of the Presidents of the Central American countries to integration. In this respect, we welcome with satisfaction the decision to continue to work to create a Central American Union, pursuant to the agreements of the Nicaragua Declaration adopted in Managua on 2 September 1997, with the aim of better harnessing their common efforts to attain sustainable development and to meet the challenges of globalization.

The Government of Mexico wishes once again to stress the importance, at this promising stage of the history of Central America, of the cooperation and assistance of the international community and the various specialized agencies, funds and programmes of the United Nations.

The Government of Mexico wishes to reaffirm its resolve to continue participating and cooperating, to the best of its abilities, with the Central American countries when they so request and in areas that they themselves define. Mexico will always be ready to work to expand the magnificent opportunities offered by history, geography and culture to promote a future of dialogue, convergence and reciprocal benefit in Central America.

In this second part of my statement, it is my honour to submit, on behalf of the sponsoring countries, the draft resolution contained in document A/52/L.19/Rev.1, entitled "United Nations Verification Mission in Guatemala". In addition to the countries whose names appear on the document, the following countries have become sponsors of the draft resolution: Argentina, Austria, Belgium, Canada, Chile, Costa Rica, Denmark, Finland, France, Germany, Greece, Jamaica, Singapore and the United Kingdom of Great Britain and Northern Ireland.

As will be noted, the preambular part of the draft resolution refers to resolutions adopted in the past by this Assembly and to various reports of the Secretary-General relating to progress achieved by Central American countries in the areas of peace, freedom, democracy and development. It also refers to the work of the United Nations Verification Mission in Guatemala and the Secretary-General's recommendations to the Organization on the Mission's future.

The draft resolution expresses encouragement at the efforts of the parties and sectors of Guatemalan society in support of the peace agreements. It acknowledges the support given to the Mission by the parties and the

support of the international community for the programmes and projects deriving from the peace agreements.

I should like to emphasize in particular that the preambular part also recalls the parties' request that the duration of the mandate of the United Nations Verification Mission in Guatemala should be the same as that of the Implementation, Compliance and Verification Timetable for the Peace Agreements, namely, four years, from 1997 to 2000.

The operative part would express satisfaction with the various reports of the Secretary-General on the peace process and the work of MINUGUA. It would call upon the parties to continue to implement the commitments they entered into, in particular, those contained in the second phase of the timetable agreement.

The text would urge the parties and all sectors of Guatemalan society to strengthen further the efforts towards consensus building, reconciliation and development, with particular attention to the most vulnerable sectors of society.

In the draft resolution, it would be decided to renew the mandate of the Mission from 1 April to 31 December 1998. At the same time, the Secretary-General would be requested to submit an updated report to the General Assembly at its fifty-third session, with his recommendations on the structure and staffing for the Mission after 31 December 1998. Lastly, the international community would be invited to continue its support for peace-related activities in Guatemala, *inter alia*, through voluntary contributions to the Trust Fund established for that purpose, and the Secretary-General would be requested to keep the General Assembly fully informed of the implementation of the present resolution.

The sponsors take this opportunity to express once again their gratitude to the Secretary-General and to the Guatemala Unit for their work and support. We also wish to place on record our sincere appreciation for the contribution of MINUGUA to the peace process and for the commitment and dedication of all the men and women on its staff.

An overall assessment allows me to state that the peace process in Guatemala is progressing in the right direction. The parties and the Guatemalan people as a whole continue to demonstrate their commitment to building a society of peace, freedom, democracy and development. At the same time, we must acknowledge that the road ahead is not free of challenge. That is why the parties, the Guatemalan people and the international community must contribute with firm resolve and determination, at their respective levels, to ensuring the continuation and successful culmination of the peace process in Guatemala.

The promising future that peace offers to a people fervently striving to broaden the avenues of dialogue, concord and development has been and should continue to be the ultimate aim guiding the activities of the parties and the cooperation that we all bring to bear.

That is why the sponsors cordially invite Member States to demonstrate once again their commitment to our Organization and to the Guatemalan peace process. We trust that the draft resolution that I have been honoured to introduce will command the unanimous support of the General Assembly.

Mrs. Aguiar (Dominican Republic) (*interpretation from Spanish*): The Dominican Republic, as a sponsor of both draft resolutions, associates itself fully with what has already been stated by the representatives of El Salvador and Mexico.

The triumph of freedom and democracy and the restoration of peace in the Latin American and Caribbean nations has marked a historic milestone of far-reaching importance in continental terms and, perhaps more importantly, in this final stage of the twentieth century.

As part of that process, it is an undeniable fact that relations and cooperation between Central American countries and international bodies have been strengthened. The difficulties of a period which is today fortunately referred to as a past age and which affected a good number of the nations of that region have been overcome, and although we may still encounter reminders of those difficult times, Central America is increasingly united to move forward on the irreversible path towards justice and democracy.

In this way Central America is becoming a region of trust which deserves the support and international cooperation needed to speed up the process towards the final normalization of its institutions and economic development. For those peoples, preserving the stability which has been achieved through sacrifices is a daily challenge whose expected goal is the consolidation of a new integrated economic system.

It is in this context that Central America is developing a complex and lasting network of reciprocal cooperation for development which includes extensive and ambitious projects such as the privatization of public enterprises or the implementation of reforms intended to make its production systems more flexible, as well as the concerted decision to boost competitiveness and take measures to preserve and support its institutions.

The Dominican Republic — a country which has also had to struggle in order gradually to become a State in which the rule of law prevails and which guarantees peace, civil liberties, social justice, progress and general well being — joins in the effort and aspiration of those who resolutely want to make the objectives and purposes currently being attained in the Central American region a permanent reality. However, the Dominican Republic is aware that the stability and creditability of a democratic system does not depend on willingness alone, but on a wide range of political, economic, social, cultural and environmental factors.

Mindful of this fact, my country is honoured to have become a member of the group of countries of the Central American Integration System. With this wise step, which is at the same time a challenge, the Dominican Republic, together with the Central American group, is responding to the natural expectations of our peoples by creating a new area of integration which will unite our countries in an unprecedented manner, thereby providing us with tangible paths for the full development of our societies.

As recently as last November, the Summit of Central American Heads of State and Government, Belize and my own country took place in the Dominican Republic. The result of this historic meeting was the important declaration entitled the Santo Domingo Declaration. This important document establishes specific actions for the establishment of an expanded and more competitive market with greater opportunities for attracting investment. It also establishes the bases which will define joint political positions that will contribute to our sustainable economic development and to strengthening our democratic systems.

Furthermore, our countries have committed themselves to pooling their efforts to try to combat shared evils such as the scourge of drug trafficking and to prevent and control the crimes of money laundering and the activities related to the illicit trafficking in drugs and its related crimes.

As you will appreciate, we are prepared in all seriousness to translate this into acts, as we are aware of the need to overcome the frustrations of the past and to realize the hopes of those who have placed their trust in the peace agreements and stability of the Central American region.

It is therefore important to work towards the consolidation of peace and security in the Central American region. It is necessary for the United Nations, the international community, to continue to support and monitor the implementation of all the peace agreements signed in Guatemala. We are certain that the continued presence of the United Nations Mission for the Verification of Human Rights and of Compliance with the Commitments of the Comprehensive Agreement on Human Rights in Guatemala (MINUGUA) will help to ensure the genuine achievement of firm and lasting peace in that beloved and fraternal nation.

Lastly, we hope that the draft resolution before us will be adopted by the General Assembly, because what is involved in this new endeavour is creating a new body of ideas which will give meaning, security and direction to the commendable efforts of the people of Central America. We harbour encouraging dreams that we will be helped in building fresh hope in order to achieve the new goals of progress and well-being.

Allow me, in concluding this statement, to quote the credo of that crowning glory of world literature and Nobel Prize winner, the Guatemalan writer Miguel Ángel Asturias, in *Ancestors of the Future*:

> "We believe in the fellowship of men who commune with the people. Only the people can grant men freedom".

Mr. Wolzfeld (Luxembourg) (*interpretation from French*): I have the honour to take the floor on behalf of the European Union regarding the situation in Central America. The countries of Central and Eastern Europe associated with the European Union — Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovenia and Slovakia — and the associated country Cyprus align themselves with this statement.

For the first time in many years, peace is reigning in all the countries of Central America. The Governments and peoples of those countries have persisted in their efforts to achieve peace, democratization and

reconciliation. The European Union expresses its gratitude to the Secretary-General for the detailed report he has submitted on the progress made this year in the Central American countries towards peace, freedom, democracy and development.

Regarding the situation in Guatemala, the European Union welcomes the willingness of the parties to honour the commitments of the peace agreements signed by the Government and the Unidad Revolucionaria Nacional Guatemalteca (URNG) despite the persisting difficulties. We particularly welcome the fact that the first phase of the Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements, which concerns primarily the ceasefire and the demobilization of URNG members, has been successfully implemented.

The European Union hopes that the second phase of the agreement, which primarily emphasizes social investment, the reform of public administration, rural development, fiscal reform and the restructuring of public security and national defence, will also be implemented within the given time-frame.

Concerning the human rights situation, the Secretary-General emphasizes in his report the willingness of the Government to fight the impunity of those guilty of violations of human rights. The dismantling of counter-insurgency support structures has also led to some progress in the respect of human rights. The situation nevertheless remains precarious given the weakness of the institutions responsible for preventing, investigating and prosecuting serious crimes and human rights violations, as well as persistent criminality.

In this context, the European Union welcomes the fact that the Commission charged with investigating human rights violations during Guatemala's long war, set up by the Oslo Agreement of June 1994, was finally officially inaugurated in Guatemala on 31 July 1997. The Union requests the Guatemalan authorities and all institutions concerned to cooperate fully with the Commission.

We are concerned about institutional weakness, as the creation of solid institutions is an important precondition for the success of the peace process. Thus the European Union supports without reservations the activities of the United Nations Verification Mission in Guatemala (MINUGUA), whose primary function is to guarantee the full implementation of the peace agreements for a period of four years, from 1997 until 2000. In this context, we welcome the restructuring of MINUGUA with a view to strengthening institutions and enhancing efficiency in the field of verification, which will allow it more efficiently to discharge its mandate.

Finally, the European Union wishes to express its appreciation for the willingness and commitment demonstrated by all parties concerned with a view to building together in Guatemala a democratic society based on the rule of law. It is essential that in the coming months the parties, national institutions and society as a whole cooperate to make these complex and profound transformations a reality.

Regarding the situation in El Salvador, the European Union welcomes the fact that the peace process has maintained its momentum and that the necessary conditions for the progressive consolidation of democracy, the rule of law and respect for human rights have been established. The peace process has allowed for the opening up of space for democratic participation and has led to important progress towards national reconciliation and to a new climate of tolerance in El Salvador.

According to the report of the Secretary-General, the creation or reform of the institutions targeted by the peace agreements represents an important element of the consolidation of the peace process. In this context, the European Union stresses the importance of the work of the Office of the Counsel for Human Rights, and supports it. The Union also considers that the consolidation of the National Civil Police and the presence of an independent Supreme Court of Justice constitute major achievements. However, public discontent with the administration of justice, given the alarming levels of common criminality, has been mounting. The weaknesses in this area remain a serious impediment to true democratization.

Additional reforms also appear necessary in the field of public security, in particular with regard to the institutional development of the National Police and the National Public Security Academy, institutions to which the European Union is providing technical and financial aid. Additional efforts must also be made to reform the electoral system. The implementation of the recommendations of the multi-party commission is of particular importance, especially in view of the upcoming presidential elections, to be held in 1999.

The European Union welcomes the important progress that has been made in the field of human rights,

in particular the reduction of the number of arbitrary or political executions, despite persisting tensions.

The path towards the restoration and consolidation of peace in El Salvador has to a great extent been conditioned by the presence of the United Nations, which has been charged with verifying the full implementation of the peace agreements in recent years. In view of the advanced stage of implementation of these agreements, the European Union had welcomed the creation, until 31 December 1997, within the administrative structure of the United Nations Development Programme, of a support service replacing the United Nations Office of Verification, which had been charged with following up on the outstanding elements of the peace agreements. In view of the fact that some of these elements remain outstanding, the European Union would welcome the extension of the support unit, even in a reduced form, for a further period at the discretion of the Secretary-General.

We are convinced that the participation of the international community, through the presence of the United Nations and the very constructive work of the Group of Friends of El Salvador, will make a positive contribution to the completion of the peace process in El Salvador. The European Union welcomes the concerted efforts of the United Nations to consolidate peace in Central America, and hopes that the Organization will continue to benefit from its experiences in the area of coordination among the various departments and organs of the United Nations system.

The San José XIII Ministerial Conference on political dialogue and economic cooperation between the European Union and the States members of the Central American Integration System took place in The Hague in February 1997. At that conference the European Union stressed once again the importance of pursuing cooperation and dialogue with the Central American countries. The Union therefore welcomes the further progress in consolidating the peace process and the democratization in this region.

Mr. Tanaka (Japan): It was just about one year ago, on 29 December 1996, that we witnessed a truly historic event: the signing of the Agreement on a Firm and Lasting Peace by the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG). The Government of Japan is deeply gratified that, as a result of that Agreement, peace and democracy are taking root in Guatemala. I wish to take this opportunity to pay high tribute to His Excellency the President of Guatemala, Mr. Arzú, and to the United Nations Verification Mission in Guatemala (MINUGUA), as well as to the countries in the Group of Friends of Guatemala and, indeed, to all those whose dedicated efforts over the course of many years finally brought an end to a conflict that had lasted for more than three decades.

Japan also commends the Governments and the peoples of Nicaragua and of El Salvador for bringing an end to the conflicts in their own countries and appreciates their efforts, assisted by the United Nations Development Programme (UNDP) and other United Nations bodies, to foster democracy and economic reconstruction in their countries.

Peace and stability can finally prevail throughout Central America. We are, however, well aware that many social and economic problems remain in the region. Japan therefore welcomes the fact that the countries in the region are working together to foster relations of mutual trust and cooperation for regional development. In particular, the Central American Integration System is playing an invaluable role in strengthening the stability and development of the region, giving us cause for optimism that the democratization process and the development of market economies will continue throughout Central America.

At the same time, we believe it is necessary for the international community to continue to extend cooperation to ensure that the peoples of Central America can pursue their livelihoods in peace and freedom and that they can look forward to a more prosperous future.

For its part, Japan is extending bilateral cooperation for democratization and economic reform in the region. As of fiscal year 1995 we had extended a total of $230 million to countries in the region. In addition, in order to strengthen mutual understanding and cooperation in various fields, we are convening periodic meetings of governmental experts from Japan and from Central American countries to discuss a wide range of issues of common concern to us all. The next meeting is planned for the beginning of next year.

In view of the great importance which Japan attaches to the continued peace, stability and prosperity of Central America, my delegation supports the draft resolutions submitted to the General Assembly under this agenda item.

Mr. Amorim (Brazil) (*interpretation from Spanish*): The two draft resolutions under agenda item 45, which we are considering today, exemplify what United Nations action can be today. The first draft resolution, document A/52/L.19/Rev.1, on the United Nations Verification Mission in Guatemala (MINUGUA), was introduced by the representative of Mexico on behalf of the Group of Friends of the Guatemalan Peace Process. The people and the Government of Brazil, which closely followed the presence of Brazilian military and police observers in the former military component of MINUGUA, associate themselves with this initiative.

By this draft resolution, the General Assembly, recalling the request of the parties to the Agreement on a Firm and Lasting Peace, would extend the mandate of MINUGUA to 31 December 1998 and would request the Secretary-General to study its further extension, making it possible to programme with greater certainty the funding necessary for the functioning of MINUGUA under the regular budget of the Organization. It should be noted that the Guatemalan peace agreements provide for a United Nations presence for four years, through the year 2000.

This would lay a more solid foundation for United Nations support for the peace process at a critical time when Guatemalan society must address the second phase of implementation of the peace agreements. It would lead to greater predictability without abdication of the General Assembly's responsibility to consider the Secretary-General's future periodic reports on this item.

We must consider whether the procedures used for MINUGUA might not set an important precedent for other situations, beyond their significance for Guatemala and for Central America. I am thinking in particular for cases where the task of the United Nations is to support the political, social and economic reconstruction of nations in which a peace process is beginning, a task that has come to be known by the somewhat incompletely defined term of post-conflict peace-building.

In those cases, the breadth and diversity of the tasks of reconstruction require active participation by many components of the United Nations system involved in economic and social development. It is clear to us that the General Assembly is in the best position to authorize and supervise operations of this kind. That would avoid adding to the congested agenda of the Security Council items that under the Charter should not fall within the Council's purview. One might wonder whether among the issues being considered by the Security Council there are not several that should immediately be transferred to the General Assembly and whether it is not only financial considerations, unrelated in fact to the merits of the matter, that have thus far prevented this from taking place.

Let me finally reiterate the importance that Brazil attaches to the success of the peace process in our sister nation of Guatemala. Today, peace in Guatemala is the key to the consolidation of peace in Central America, where, as the Secretary-General notes in paragraph 11 of his report contained in document A/52/344, for the first time in decades, not one of the countries in the region is plagued by internal conflict.

I turn now to draft resolution A/52/L.31, which was introduced by the Permanent Representative of El Salvador, and of which Brazil is pleased to be a sponsor. In this draft resolution, the General Assembly would recognize the progress achieved in the region since the signature of the agreement on "Procedures for the establishment of a firm and lasting peace in Central America" — the Esquipulas II agreement — on 7 August 1987. It would also acknowledge the scale of the present challenges, especially in the areas of institutional modernization, social progress and regional integration, and the importance of international cooperation, including United Nations support.

There may be no region or subregion that benefitted more from the end of the cold war than Central America. In the context of the Contadora Group, the Support Group, the Rio Group and the Organization of American States, the other nations of Latin America had done our best to persuade forces from outside the region to refrain from exacerbating Central American conflicts. However, it was necessary to wait for the beginning of effective détente between the super-powers before the peacemaking energies of the Central American nations themselves could begin to bear fruit. Their efforts were given a significant boost by the former President of Costa Rica and Nobel Peace Laureate, Oscar Arias Sánchez.

The Brazilian people, which sent its sons on peace missions in El Salvador and Guatemala, and for mine clearance activities in Nicaragua, closely followed the events in Central America. Today, the challenges facing the nations of the isthmus are not fundamentally different from those that the whole of Latin America is trying to surmount: the construction of fairer societies with greater solidarity, respect for human rights, functioning of

democratic institutions, productive incorporation into the world economy and regional and subregional integration.

We share and feel solidarity with the challenges of our Central American brothers. We are working to achieve an integrated, just, prosperous and peaceful Latin America which will increasingly play a constructive role in solving the world's major problems. Perhaps the success of the peace process in Central America, and the lessons to be learned from it, will be one of the contributions that our countries can offer to the international community.

It is in this spirit that Brazil will be participating in the Security Council in the biennium 1998-1999. In the course of our first year in the Council, we shall be sharing representation of the region with the Central American nation of Costa Rica. We intend to act in full and constant consonance with the ideals and aspirations of all the nations of Latin America and the Caribbean.

Mr. Arias (Spain) (*interpretation from Spanish*): The representative of Luxembourg has already spoken in this debate on behalf of the European Union. My delegation fully associates itself with that statement. Nonetheless, I do wish to make a few additional comments, since Spain is a member of the Group of Friends of the Guatemala peace process.

My delegation welcomes with satisfaction the report of the Secretary-General dated 31 October 1997 [A/52/554], which describes in detail the work of the United Nations Verification Mission in Guatemala (MINUGUA) in the performance of its mandate, as requested by the parties and consisting in verifying all the agreements signed between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) a year ago, as well as carrying out exercises involving good offices, advice and public information.

The mandate of MINUGUA thus covers a period of four years, as established by the Agreement on the Implementation, Compliance and Verification Timetable for the Peace Agreements; that is to say, until the end of the year 2000. Spain, like the rest of the international community, has embraced this commitment to ensure that international verification is successfully concluded within the time-frame established by the parties.

Draft resolution A/52/L.19, in its revised version, A/52/L.19/Rev.1, would extend MINUGUA's mandate until 31 December 1998. My delegation would have preferred the General Assembly to authorize the extension of the mandate of the Mission in accordance with the recommendations of the Secretary-General. However, we do understand that the necessary cohesion of the Group of Friends and the real state of affairs imposed on us by the Organization's financial crisis have compelled us to present this revised version of the draft resolution. Spain, together with the rest of the Group of Friends, has sponsored the draft resolution. In this way, we are reaffirming our active support for MINUGUA's work and our renewed commitment to the parties and the Guatemalan people in their work to consolidate the achievements of the peace process and to lay the foundation for national reconciliation and reconstruction and democracy in a state of law.

I would like to take this opportunity to reaffirm the importance for this work to be shared in solidarity by all social and political forces, the Government, institutions and the entire people of Guatemala, which at all times may rely on the encouragement and support of my country.

As rightly indicated by the Secretary-General in his report, during the second phase of the implementation of the Peace Agreements, which is being verified by MINUGUA, the national institutions and society in its entirety must act vigorously to ensure that in the various ambitious changes in areas such as social investment, modernization of State institutions, reform of public administration and the fiscal system, rural development and the restructuring of public security and national defense, the objectives do become reality.

Mr. Aass (Norway): As a member of the Group of Friends of the Guatemala peace process, Norway welcomes the progress made in the implementation of the peace accords in Guatemala since the Agreement on a Firm and Lasting Peace was signed almost one year ago. It is particularly encouraging that demobilization went smoothly and according to schedule. There is every reason to commend the Government of Guatemala, the Unidad Revolucionaria Nacional Guatemalteca (URNG) and, not least, the United Nations for the successful completion of the demobilization process.

We also note with satisfaction that the commission set up by the Oslo Agreement of June 1994 to investigate human rights violations during the conflict has embarked upon its complicated task. In 1997 Norway has contributed $1,250,000 to the work of this commission. Norwegian assistance to Guatemala in 1997 will total approximately $15 million dollars.

Norway attaches the greatest importance to the United Nations Verification Mission in Guatemala (MINUGUA) and continues to support its work, which covers such an important range of questions connected to the implementation of the peace accords, with a focus on human rights issues.

We are all aware that Guatemala still faces serious challenges in the implementation of all the elements of the peace accords and in creating a society which meets the aspirations of its people. This task will continue to require great efforts from the Government, as well as from all sectors of Guatemalan society. It will also require the continued support of the international community. It is of utmost importance that the momentum in the implementation process be maintained so that pending and necessary reforms may be introduced and carried out. As a member of the Group of Friends, Norway will stand by its special commitment.

During the more than five years that have passed since the signing of the Chapultepec Accords, we have witnessed a fruitful process of peace-building in El Salvador. The United Nations role in this process has been of paramount importance. As a means of consolidating the peace process, Norway has supported and contributed to the United Nations presence and efforts in El Salvador. We also are continuing to participate in the training of the National Civilian Police.

Considering that some form of international presence in El Salvador is still required, Norway has supported the continuation of the support unit within the framework of the United Nations Development Programme (UNDP) to ensure the necessary follow-up of elements in the peace accords that have yet to be implemented.

Mr. Hu Zhaoming (China) (*interpretation from Chinese*): I should be grateful, Sir, for clarification of a technical issue with regard to draft resolution A/52/L.19/Rev.1. Under paragraph 6 the Assembly would renew the mandate of the United Nations Verification Mission in Guatemala until 31 December 1998. However, the Chinese language version of the draft resolution gives the date as 31 December 1999, and I noticed that in their statements some representatives also referred to the date as 31 December 1999.

The Acting President: The observation of the representative of China has been duly noted.

Mr. Macedo (Mexico) (*interpretation from Spanish*): With respect to the clarification requested by the representative of China, I should like, on behalf of the sponsors of the draft resolution, to point out that the correct date is 31 December 1998.

The Acting President: I thank the representative of Mexico for that clarification.

I should like to inform members that action on the draft resolutions submitted under this item will be taken at a later date to be announced, to allow time for the review of their programme budget implications.

The meeting rose at 12.30 p.m.